

**PUBLIC HEALTH CODE (EXCERPT)**  
**Act 368 of 1978**

\*\*\*\*\* 333.12601 THIS SECTION IS AMENDED EFFECTIVE MAY 1, 2010: See 333.12601.amended \*\*\*\*\*

**333.12601 Definitions.**

Sec. 12601. (1) As used in this part:

(a) "Child caring institution" and "child care center" mean those terms as defined in section 1 of Act No. 116 of the Public Acts of 1973, being section 722.111 of the Michigan Compiled Laws.

(b) "County medical care facility" means that term as defined in section 20104.

(c) "Educational facility" means a building owned, leased, or under the control of a public or private school system, college, or university.

(d) "Food service establishment" means a food service establishment as defined in section 12901.

(e) "Health facility" means a health facility or agency licensed under article 17, except a home for the aged, nursing home, county medical care facility, hospice, or hospital long-term care unit.

(f) "Home for the aged" means that term as defined in section 20106.

(g) "Hospice" means that term as defined in section 20106.

(h) "Hospital long-term care unit" means that term as defined in section 20106.

(i) "Licensed premises" means any portion of a building, structure, room, or enclosure in which alcoholic liquor may be sold for consumption on the premises pursuant to a license issued by the Michigan liquor control commission.

(j) "Meeting" means a meeting as defined in section 2 of the open meetings act, Act No. 267 of the Public Acts of 1976, being section 15.262 of the Michigan Compiled Laws.

(k) "Nursing home" means that term as defined in section 20109.

(l) "Public body" means a public body as defined in section 2 of the open meetings act, Act No. 267 of the Public Acts of 1976.

(m) "Public place", except as otherwise provided in subsection (2), means both of the following:

(i) An enclosed, indoor area owned or operated by a state or local governmental agency and used by the general public or serving as a place of work for public employees or a meeting place for a public body, including an office, educational facility, home for the aged, nursing home, county medical care facility, hospice, hospital long-term care unit, auditorium, arena, meeting room, or public conveyance.

(ii) An enclosed, indoor area which is not owned or operated by a state or local governmental agency, is used by the general public, and is 1 of the following:

(A) An educational facility.

(B) A home for the aged, nursing home, county medical care facility, hospice, or hospital long-term care unit.

(C) An auditorium.

(D) An arena.

(E) A theater.

(F) A museum.

(G) A concert hall.

(H) Any other facility during the period of its use for a performance or exhibit of the arts.

(n) "Smoking" or "smoke" means the carrying by a person of a lighted cigar, cigarette, pipe, or other lighted smoking device.

(2) Public place does not include a private, enclosed room or office occupied exclusively by a smoker, even if the room or enclosed office may be visited by a nonsmoker.

(3) In addition, article 1 contains general definitions and principles of construction applicable to all articles of this code.

**History:** Add. 1986, Act 198, Eff. Jan. 1, 1987;—Am. 1988, Act 294, Eff. Oct. 1, 1988;—Am. 1988, Act 296, Eff. Mar. 30, 1989;—Am. 1988, Act 315, Eff. Mar. 30, 1989.

**Compiler's note:** For transfer of certain powers and duties of the center for health promotion and chronic disease prevention from the department of public health to the director of the department of community health, see E.R.O. No. 1996-1, compiled at MCL 330.3101 of the Michigan Compiled Laws.

**Popular name:** Act 368